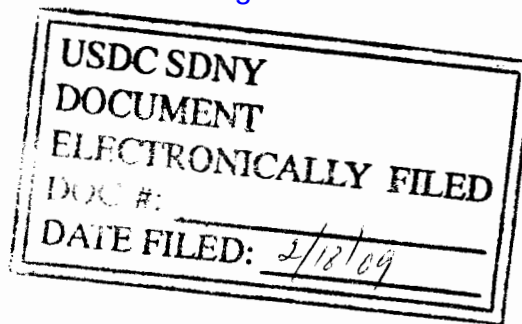


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
JOHN MCDERMOTT,

Plaintiff,

- against -

KIYAN MARANDI, et al.,

Defendants.
-----X

04 Civ. 2392 (TPG)

ORDER

In a declaration filed on December 13, 2006, by his counsel Daniel Perez, plaintiff withdrew, with prejudice, all claims against the City of New York. However, those claims were never formally dismissed by order of the court. Therefore, consistent with the Perez Declaration, the claims against the City of New York are dismissed with prejudice.

SO ORDERED.

Dated: New York, New York
February 18, 2009

A handwritten signature in cursive script, reading "Thomas P. Griesa".

Thomas P. Griesa
U.S.D.J.